

201803663

Steven Muskovic

On some date before May 9, 2018, PO Steven Muskovic received a complaint from a woman who stated another woman was posting derogatory information about her, including compromising images, on Facebook. On May 9, PO Muskovic called the woman who was accused of making the posts and, according to the woman, threatened to arrest her if she did not stop posting. Later that afternoon, he called again, and the woman claimed again that he had threatened to arrest her.

When PO Muskovic called the next day, the woman recorded the call. On it, PO Muskovic repeatedly told the woman that he had “asked her nicely” and that he “had enough to move forward with a stalking arrest” and that she could come to the precinct at a specified time or “I will pick you up and you will spend the weekend in court.” The woman asked him for his name and badge number three separate times, and each time he refused to provide it.

At his CCRB interview, PO Muskovic denied threatening to arrest the person and specifically denied telling her that he would arrest her and ensure she is in court over the weekend if she did not come at a specified time. He testified that she had never asked for his badge number.

PO Muskovic testified that he had prepared a detailed UF-61 (a complaint report) regarding the alleged harassment, but no report was found by the NYPD in its search for records.

The CCRB found that PO Muskovic improperly threatened the woman with arrest and failed to provide his name and badge number when asked.

The CCRB likewise found that there was evidence that PO Muskovic made a false official statement when he stated he had prepared the UF-61 and when he claimed he hadn’t been asked his name and shield number.

He was issued Instructions as a result of the incident.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emilia Mancini	Team: Squad #7	CCRB Case #: 201803663	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/09/2018 11:21 AM	Location of Incident: [REDACTED]	Precinct: 123	18 Mo. SOL 11/9/2019	EO SOL 11/9/2019	
Date/Time CV Reported Wed, 05/09/2018 11:40 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 05/09/2018 11:40 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Muskovic	20403	945261	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Steven Muskovic	Abuse of Authority: On May 9, 2018, Police Officer Steven Muskovic threatened to arrest § 87(2)(b) [REDACTED].	A . § 87(2)(g) [REDACTED]
B . POM Steven Muskovic	Abuse of Authority: On May 10, 2018, Police Officer Steven Muskovic threatened to arrest § 87(2)(b) [REDACTED].	B . § 87(2)(g) [REDACTED]
C . POM Steven Muskovic	Abuse of Authority: On May 10, 2018, Police Officer Steven Muskovic refused to provide his shield number to § 87(2)(b) [REDACTED].	C . § 87(2)(g) [REDACTED]
D . POM Steven Muskovic	Other: There is evidence suggesting Police Officer Steven Muskovic provided a false official statement in violation of Patrol Guide procedure 203-08.	D . § 87(2)(g) [REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On May 9, 2018, § 87(2)(b) filed this complaint via on-line website with the CCRB.

On May 9, 2018, at about 11:21 a.m., PO Steven Muskovic of the 123rd Precinct, allegedly phoned § 87(2)(b) to inform her that a complaint of harassment was filed against her and to tell her to stop posting on her Facebook page. During the phone call, PO Muskovic allegedly threatened to arrest § 87(2)(b) if she kept posting (**Allegation A: Abuse of Authority, § 87(2)(g)**). On May 10, 2018, at approximately 8:20 a.m., PO Muskovic again phoned § 87(2)(b) and threatened to arrest her if she did not stop posting on her Facebook page (**Allegation B: Abuse of Authority, § 87(2)(g)**). During the same call, PO Muskovic refused to provide his shield number to § 87(2)(b) (**Allegation C: Abuse of Authority, § 87(2)(g)**). The CCRB found evidence suggesting that PO Muskovic provided a false official statement regarding this incident (**Allegation D: § 87(2)(g)**), which was referred to IAB as a spin-off case via CCRB case number 201805767 and IAB log number 18-27929 on July 17, 2018. § 87(4-b), § 87(2)(g). § 87(2)(b) was not arrested or issued a summons as a result of either incident. § 87(2)(g).

An attorney was consulted for this case.

Findings and Recommendations

Allegation A – Abuse of Authority: On May 9, 2018, Police Officer Steven Muskovic threatened to arrest § 87(2)(b)

It is undisputed that on May 9, 2018, PO Muskovic phoned § 87(2)(b). § 87(2)(b) stated that on May 9, 2018, at approximately 11:20 a.m., PO Muskovic phoned her from a private number and informed her that an individual identified via investigation as § 87(2)(b) filed a criminal complaint of harassment against her. § 87(2)(b) is the ex-girlfriend of § 87(2)(b)'s boyfriend, § 87(2)(b). PO Muskovic told § 87(2)(b) to stop posting threats on her Facebook page. When PO Muskovic asked § 87(2)(b) to stop posting, he did not refer to a specific post or group of posts [01 Board Review, 02 Board Review]. After the phone call with PO Muskovic, § 87(2)(b) posted quotes and videos and photos of her family on her Facebook page. § 87(2)(b)'s posts were not referred to anybody and they were not of a malicious nature. Later that day, at approximately 3:20 p.m., PO Muskovic phoned § 87(2)(b) and asked her if she was still posting on her Facebook page, when § 87(2)(b) confirmed that she was posting on Facebook, PO Muskovic told her, "I'll have you arrested" and disengaged the call.

§ 87(2)(b) who was uncooperative with the investigation and refused to provide a complete and thorough statement, testified that on May 9, 2018, she went to the 123rd Precinct Stationhouse to report § 87(2)(b). However, § 87(2)(b) did not specify either the reason for which she went to the stationhouse, whether she spoke to PO Muskovic or the evidence that she provided, if any, to the police [05 Board Review].

PO Muskovic testified that on May 9, 2018, § 87(2)(b) went to the 123rd Precinct Stationhouse to file a complaint against § 87(2)(b). § 87(2)(b) showed PO Muskovic printouts of posts from a Facebook page under the name of § 87(2)(b). The printouts contained several derogatory remarks against § 87(2)(b) posted between the summer of 2017

and May 9, 2018, and a sexually explicit image of § 87(2)(b) posted sometime between November 2017 and December 2017 [03 Board Review]. PO Muskovic testified that his intent upon calling § 87(2)(b) on May 9, 2018, was to warn and inform her that, if she made any threats to § 87(2)(b) it could lead to an arrest for aggravated harassment. However, PO Muskovic stated that § 87(2)(b) was not going to be arrested because there was not enough evidence to proceed with an arrest. According to the evidence provided by § 87(2)(b) § 87(2)(b) was guilty of harassment, which is neither an arrestable nor a summonsable offense, as it is a violation. PO Muskovic denied that he told § 87(2)(b) “I’ll have you arrested,” or otherwise threatened her with arrest. PO Muskovic denied that he ever said to § 87(2)(b) “I tell you when to come to the Precinct unless you want to spend the weekend with a judge.”

§ 87(2)(g)

Allegation B – Abuse of Authority: On May 10, 2018, Police Officer Steven Muskovic threatened to arrest § 87(2)(b)

It is undisputed that on May 10, 2018, PO Muskovic and § 87(2)(b) spoke via phone and PO Muskovic threatened to arrest § 87(2)(b).

In her verified interview, § 87(2)(b) testified that on May 10, 2018, at approximately 8:52 a.m., PO Muskovic phoned her from a private number. PO Muskovic asked § 87(2)(b) if she could go to the 123rd Precinct Stationhouse the following Monday. § 87(2)(b) asked if she could go the following Tuesday as an alternative date. PO Muskovic stated, “I tell you when to come to the precinct unless you want to spend the weekend with a judge.” PO Muskovic told § 87(2)(b) that if she stopped posting on her Facebook page, this situation could have ended without an arrest [02 Board Review].

PO Muskovic testified that on May 10, 2018, § 87(2)(b) phoned him. § 87(2)(b) told PO Muskovic that she went to the 123rd Precinct stationhouse the day before, but she could not file a criminal complaint against § 87(2)(b). PO Muskovic told § 87(2)(b) that she could go to the stationhouse to file an in-person complaint with him, as long as she provided enough documentation that she had been and was still harassed by § 87(2)(b) [03 Board Review]. PO Muskovic stated that he prepared a UF-61 in regards to the criminal complaint, but no UF-61 was on file with the 123rd Precinct.

§ 87(2)(b) provided a 02:15 minute recording of the phone call on May 10, 2018. At the 00:34 minute mark, PO Muskovic asks § 87(2)(b) “Are you available Monday morning to come into the Precinct?” § 87(2)(b) states that she is not available to go on Monday because she has a court date and asks if she can go on Tuesday, at which question PO Muskovic responds, “No, no, no, I tell you when to come into the Precinct.” At the 00:56 minute mark PO Muskovic states, “I have stacks and stacks of paper. I told you this was gonna end without an arrest but.” § 87(2)(b) replies, “I haven’t broken any laws, I haven’t reached out to anyone, I haven’t threatened anyone.” PO Muskovic states, “Okay, why don’t you look under the definition of stalking on the New York Penal Law.” § 87(2)(b) states, “Okay, because I have 400 papers too, and I haven’t stalked anyone.” At the 01:18 minute mark PO Muskovic states, “I asked you yesterday to stop emailing her. I asked you to stop posting things on Facebook. I asked you nicely, and what did you do?” § 87(2)(b) states, “Because the law is not on my side I’m proving

my point.” PO Muskovic states, “Okay, then you will be able to prove it to a judge. You don’t have to prove it to me, I have enough to move forward with a stalking arrest and that is it, so either you come in on Monday morning at 8 o’ clock or I will pick you up and you will spend the weekend in court. That’s the way it works.” [04 Board Review]. The recording has been attached below.



201803663_20180511_0924_DM.mp3

Upon reviewing the recording, PO Muskovic testified that he asked § 87(2)(b) to go to the stationhouse on Monday so she could file a complaint against § 87(2)(b). PO Muskovic when he mentioned “stacks and stacks of paper” he referred to the over 60 pages of Facebook posts that § 87(2)(b) provided to him. PO Muskovic testified that he did not keep the evidence provided to him by § 87(2)(b). PO Muskovic did not recall what he was referring to when he told § 87(2)(b) to “stop emailing her” because he denied that he was aware of any e-mails related to this incident. When asked to clarify what he meant by saying, “I have enough to move forward with a stalking arrest and that is it, so either you come in on Monday morning at 8 o’ clock or I will pick you up and you will spend the weekend in court” PO Muskovic retracted his initial statement and stated that the amount of evidence provided by § 87(2)(b) was enough to move forward with a stalking arrest, so § 87(2)(b) had to appear at the stationhouse on Monday as a voluntary surrender regardless if she had a court date scheduled on the same day. Besides stalking and harassment, there were no other offenses that § 87(2)(b) could have been arrested for. PO Muskovic stated that he had no independent recollection of the content of this conversation, but he recalled upon reviewing the recording.

A person is guilty of aggravated harassment in the second degree when, with intent to harass another person, the actor either communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, or a member of such person’s same family or household N.Y.S. Penal Law, Section 240.30 [06 Board Review].

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED] Before the recording evidence was played, PO Muskovic testified that he did not have enough evidence to arrest § 87(2)(b). PO Muskovic further testified that his sole intention upon phoning § 87(2)(b) was to inform her about the revenge porn law and to warn her to stop posting sexually explicit images or threats against § 87(2)(b) on her Facebook page because the continuation of such behavior could lead to an arrest for ‘aggravated’ harassment.

However, upon reviewing the recording which demonstrated that PO Muskovic did, in fact, threaten to arrest § 87(2)(b) PO Muskovic asserted that he had enough to arrest § 87(2)(b) for stalking. § 87(2)(g)

[REDACTED]
[REDACTED], the paperwork that he stated he prepared, namely the UF-61 Complaint Report was not on file. § 87(2)(g)

§ 87(2)(g) [REDACTED]

Allegation C – Abuse of Authority: On May 10, 2018, Police Officer Steven Muskovic refused to provide his shield number to § 87(2)(b)

It is undisputed that on May 10, 2018, PO Muskovic and § 87(2)(b) spoke via phone and that when asked, PO Muskovic refused to provide his shield number to § 87(2)(b)

During her interview, § 87(2)(b) testified that she asked PO Muskovic to provide his “badge number” multiple times. PO Muskovic responded, “I don’t have to give you anything.” Ultimately, PO Muskovic did not provide his badge number to § 87(2)(b) [01 Board Review, 02 Board Review].

PO Muskovic testified that § 87(2)(b) did not ask him to provide his badge number. PO Muskovic stated that he did not refuse to provide his shield number to § 87(2)(b). Following his review of the audio evidence attached below, PO Muskovic retracted his statement upon hearing the recording, at which point stated that he was not required to provide his badge number § 87(2)(b) because he did not know the identity of the person he was speaking to [03 Board Review].

The recording of the phone call on May 10, 2018, provided by § 87(2)(b) of the phone call on May 10, 2018, confirms that, at the 00:59 minute mark, § 87(2)(b) asked, “What’s your badge number?” and PO Muskovic stated, “Listen, I don’t have to give you my badge number.” § 87(2)(b) asked once again for PO Muskovic’s badge number, and PO Muskovic responded, “Listen, we are on the phone, don’t tell me what I can and can’t do.” At the 02:01 minute mark, § 87(2)(b) asked PO Muskovic to provide his badge number a third time and PO Muskovic stated, “I can’t give you my badge number § 87(2)(b) (02:01).



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Police officers must clearly state, or otherwise provide, their shield number to anyone who requests them to do so. Patrol Guide, Section 203-09 [07 Board Review], § 87(2)(g)

[REDACTED]

§ 87(2)(g) [REDACTED]

Allegation D: Other - There is evidence suggesting Police Officer Steven Muskovic provided a false official statement in violation of Patrol Guide procedure 203-08.

The CCRB found evidence suggesting that PO Muskovic provided a false official statement regarding this incident. A spin-off case was referred to IAB in regards, under CCRB case number 201805767, which generated IAB log number 18-27929. The evidence is as follows:

In his CCRB interview, PO Muskovic stated that on May 9, 2018, he generated a UF-61 in regard to this incident [03 Board Review].

Between May 31, 2018, and June 27, 2018, document requests for any and all UF-61s generated in regard to this incident, which involved either § 87(2)(b) and/or § 87(2)(b) were submitted to IAB. All requests yielded negative results. On July 6, 2018, an e-mail was received from Detective Browne of the IAB/CCRB Liaison Unit, stating that there were no UF-61s generated on either incident dates [13 Board Review].

An officer is prohibited from making a false official statement and that an officer found to have made such a statement will be subject to disciplinary action (Patrol Guide, Section 203-08) [08 Board Review]. The false statement must be proven to have been made, material, and intentionally false.

§ 87(2)(g)
PO Muskovic stated multiple times that he generated a UF-61 and he was specific in describing the details of the document. For instance, PO Muskovic stated that the only offense listed on the UF-61 was harassment. PO Muskovic was not sure of which degree of harassment was listed on the UF-61, but he stated that it was harassment as a violation. PO Muskovic stated that based on the information listed on the UF-61, an arrest was not possible for

§ 87(2)(b) § 87(2)(g)
[REDACTED]

§ 87(4-b), § 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party [10 Board Review].
- PO Muskovic has been a member of the NYPD for eleven years. This is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This case was eligible for mediation, but § 87(2)(b) declined to mediate.
- As of August 16, 2018, § 87(2)(b) has not filed a Notice of Claim in regard to these incidents [11 Board Review].
- According to Office of Court Administration records, § 87(2)(b) has no criminal conviction history in New York City [12 Board Review].

Squad No.: 7

Investigator:	_____	<u>Emilia Mancini</u>	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date